

jc832 U.S. PTO
06/15/00

06-16-00 H

Practitioner's Docket No. KINGP.55031

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231



NEW APPLICATION TRANSMITTAL

jc832 U.S. PTO
06/15/00

Transmitted herewith for filing is the patent application of

Inventor(s): Judy SHANNON; Patrick KLASNO

For (title): BOOKMARK

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10*

(When using Express Mail, the Express Mail label number is mandatory,
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10*

with sufficient postage as first class mail.

as "Express Mail Post Office to Address"
Mailing Label No. EL631728002US

TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office (703)

Date: June 15, 2000

Gary M. Anderson
Signature

Gary M. Anderson, Reg. No. 30,729
(type or print name of person certifying)

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).

"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

1. Type of Application

This transmittal is for a continuation application.

2. Benefit of Prior U.S. Application (35 U.S.C. Sections 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. application. Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

3. Papers Enclosed

- A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

10 Page(s) of Specification

4 Page(s) of Claims

12 Sheet(s) of Drawing(s)--Formal

B. Other Papers Enclosed

3 Page(s) of declaration and power of attorney

1 Page(s) of abstract

1 Page(s) of Substitution of Attorney

3 Page(s) of small entity declaration

2 Page(s) of Power of Attorney from Assignee

4. Additional Papers Enclosed

Preliminary Amendment and additional sheet of drawings

Information Disclosure Statement (37 C.F.R. 1.98) (copy from parent appln.)

Form PTO-1449 (PTO/SB/08A and 08B) (copy from parent appln.)

Citations

5. Declaration or Oath

Enclosed and executed by inventors. (copy from parent appln.)

6. Inventorship Statement

The inventorship for all the claims in this application is the same.

7. Language

English

8. Assignment

An assignment of the invention to King Plush is enclosed. (Copy from parent application.)

9. Fee Calculation (37 C.F.R. Section 1.16)

Regular Application

CLAIMS AS FILED

Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$690.00
Total Claims (37 CFR 1.16(c))	18	- 20 =	0 x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	4	- 3 =	1 x	\$78.00	\$78.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$260.00	\$0.00
Filing Fee Calculation					\$768.00

10. Small Entity Statement(s)

Status as small entity was claimed in prior application 09/136,348, filed on August 19, 1998, from which benefit is being claimed for this application under 35 U.S.C. § 120, and which status as a small entity is still proper and desired.

A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of above) \$384.00

11. Fee Payment Being Made at This Time

Enclosed

Filing Fee	\$ 384.00
------------	-----------

Total Fees Enclosed	\$384.00
----------------------------	----------

12. Method of Payment of Fees

Check in the amount of \$384.00 is attached.

13. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any insufficient fees by this paper and during the entire pendency of this application to Account No. 21-0800.

14. Instructions as to Overpayment

Credit Account No. 21-0800.

**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATION CLAIMED**

15. Relate Back

Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. Sections 120, 121 and 365(c)

"This application is a

continuation

of copending application

Application number 09/136,438 filed on August 19, 1998.

16. Maintenance of Copendingity of Prior Application

A. Conditional Petition for Extension of Time in Prior Application

A conditional petition for extension of time is being filed in the pending **prior** application.

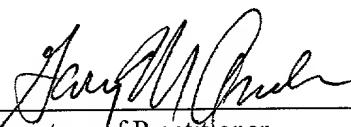
17. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- a. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are the same.

18. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

A notification of the filing of this continuation is being filed in the parent application, from which this application claims priority under 35 U.S.C. Section 120.

Date: 6/15/00



Signature of Practitioner

Gary M. Anderson
Registration No. 30,729

GMA:srp
Enclosures
Fulwider Patton Lee & Utecht, LLP
200 Oceangate, Suite 1550
Long Beach , CA 90802
(562) 432-0453

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN	Docket Number (Optional) 7192-1002
---	--

Applicant, Patentee, or Identifier: Judy Glenna Shannon, et alApplication or Patent No.: To be assignedFiled or Issued: To be filedTitle: BOOKMARK

I hereby state that I am

- the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN KING PLUSH ENTERPRISES, INC.ADDRESS OF SMALL BUSINESS CONCERN 24412 South Main Street, Suite 103,
Carson, California 90717

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:
 no such person, concern, or organization exists.
 each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

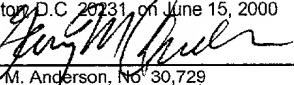
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Patrick Wayne KlasnoTITLE OF PERSON IF OTHER THAN OWNER PresidentADDRESS OF PERSON SIGNING 24412 South Main Street, Suite 103, Carson, CA 90717SIGNATURE Patrick Wayne Klasno DATE 8-18-98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Judy G. SHANNON et al.)	Examiner: To Be Determined
)	Art Unit: To Be Determined
Serial No.:	To Be Assigned)	
)	
Filed:	June 15, 2000)	
)	
Title:	BOOKMARK)	
)	

I hereby certify that this correspondence is being deposited via U.S. Express Mail No EL631728002US with correct postage addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231, on June 15, 2000

By. 
Gary M. Anderson, No. 30,729

Date of Signature 6/15/00

Long Beach, California
June 15, 2000

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

INTRODUCTION

This Amendment is filed in response to the Office Action mailed on December 15, 1999 in the parent application Serial No. 09/136,348. Claims 16-31 were rejected under 35 U.S.C. § 112, 2nd paragraph being indefinite for failing to particularly point out and claim the subject invention. In addition Claims 16, 18-25 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bailey, et al.*, in view of *Crane*. The Examiner rejected Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over *Bailey, et al.*, in view of *Crane* and further in view of *Ward, et al.* Finally, the Examiner has rejected Claims 29-31 under 35 U.S.C. § 103(a) as being unpatentable over *Bailey, et al.*, in view of *Crane* and further in view of *Cox*. The Examiner has indicated, however, that

dependant Claims 26 and 27 would be allowable if re-written to overcome the Section 112, 2nd paragraph rejection.

The Examiner has also requested proposed drawings to show the features claimed in claims 20 and 21.

As discussed below, Applicants have amended Claims 16, 28 and 30 to comply with the Section 112, 2nd paragraph rejection, and added new Claims 32 and 33. Applicants also submit a new proposed drawing and respectfully traverses the Section 103(a) rejections.

AMENDMENT OF APPLICATION

Please amend the application as follows:

IN THE CLAIMS

Please amend the following claims.

16. (Amended) A bookmark for use in between pages of a book having a spine and a binding comprising:

a flexible, elongated, intermediate member having a first end and an opposing end, said member having a predetermined length and thickness, said thickness and being [sufficiently thin] of a size to allow said intermediate member to extend between the pages of the book and along the length of the spine of the book without stretching its binding;

a top anchor having a thickness [in a direction substantially perpendicular to the length of the spine] greater than the thickness of the intermediate member and being in the form of a portion of a character including a head end secured to said first end;

a bottom anchor having a thickness [in a direction substantially perpendicular to the length of the spine] greater than the thickness of the intermediate member and being in the form of a second portion of said character [complementing said first portion end] secured to said second end;

wherein the length of said intermediate member may be extended from its predetermined length to accommodate books of different sizes; and

wherein said anchors inhibit removal of the bookmark in a direction parallel to the length of the spine when the book is inserted therein.

28. (Amended) A bookmark as set forth in claim 16, wherein:

a length of said intermediate member is capable of being coiled around said bottom anchor whereby [and] said top anchor rests against said bottom anchor to assume a storage position for the bookmark in the form of said character in a sitting position when the bookmark is not inserted within the book.

30. (Amended) A new bookmark for insertion between the pages of a book including a

spine and comprising:

a thin, flexible, elongated connector having a first end and an opposing second end, said connector having a predetermined [width] length;

a three-dimensional, first [top] stop in the form of a figure having an upper torso supporting a head and a pair of forelimbs;

a three-dimensional second [bottom] stop in the form of a lower torso

[complementary] portion of said first [top] stop including a retention member for retaining a coiled portion of said connector; and

wherein said stops inhibit the removal of the bookmark in a direction substantially parallel to the length of the spine when the bookmark is inserted between pages of the book.

Please add the following new claims:

32. (New) A bookmark for use in between pages of a book having a spine and a binding comprising:

a flexible, elongated, intermediate member having a first end and an opposing second end, said member having a predetermined length and thickness, said thickness and being of a size to allow said intermediate member to extend between the pages of the book and along the length of the spine of the book without stretching its binding;

a top anchor having a thickness greater than the thickness of the intermediate member and being in the form of a portion of a character including a head end secured to said first end;

a bottom anchor having a thickness greater than the thickness of the intermediate member and being in the form of a second portion of said character complementing said first portion end secured to said second end; and

wherein said anchors inhibit removal of the bookmark in a direction parallel to the length of the spine when the book is inserted therein.

33. (New) A new bracelet comprising:

a thin, flexible, elongated connector having a first end and an opposing second end, said connector having a predetermined length;

a three-dimensional, first member in the form of a figure having an upper torso supporting a head and a pair of forelimbs positioned at said first end of said connector;

a three-dimensional second member in the form of a lower torso portion of said first member positioned at said second end of said connector;

complimentary fastening means being provided on said first and second members wherein said connector may be wrapped around an individual's wrist and the fastening means engaged to form a bracelet.

IN THE SPECIFICATION

Please amend the specification as follows:

On page 5, line 3, please insert the following language:

--Figure 25 is a rear, side, perspective view of an eleventh alternate preferred embodiment of the present invention.

Figure 26 is a front, side, perspective view of an eleventh alternate preferred embodiment of the present invention.--

On page 9, line 19, after "squirrel." please add --Lastly, the embodiment 68 shown in Figure 25 and 26 is a representation of a human or humanoid character.--

DISCUSSION

The Section 112, Second Paragraph Rejection

Applicants respectfully submit that the Claims, as currently amended, particularly point out and claim the subject matter which applicants consider to be their invention. Specifically, Claims 16, 28 and 30 have been amended to address the issues raised by the Examiner and Applicants believe the Section 112, 2nd paragraph rejection has been overcome and rendered moot.

The Claims 16, 18-25 and 28 Section 103(a) Rejection

As indicated the Examiner has rejected Claims 16, 18-25 and 28 under Section 103(a) over *Bailey et al.*, in view of *Crane*. The Examiner has stated that *Bailey, et al.*, teaches a bookmark having a flexible, elastic intermediate member or ribbon C having opposed ends. Hooks (anchors) c are attached to each of the ends.

Applicants respectfully disagree with the Examiner's characterization of *Bailey, et al.*, as a bookmark. As described in the specification and as claimed by Applicants, the bookmark of the subject invention is a device to mark one's place within a book, wherein an elongated, substantially flat member is placed between the pages of a book to mark the page the reader was on. Abutment members, having a thicker cross-section are positioned at each end of the elongated member to prevent the bookmark from being withdrawn from either end of the book.

Contrary to the position taken by the Examiner, *Bailey, et al.*, does not teach or suggest the claimed invention. *Bailey, et al.*, is directed to a book-indicator. Specifically it is directed to an indicator or marks for books in which an indicating-strip lies transversely upon and is movable

vertically over the page of the book to indicate the lines thereof. (*Bailey, et al.*, Col. 1, lines 9-13)

In *Bailey, et al.*, the book-indicator is strip A which lies across the page whereby “the stripe A being moved up and down over the surface of the page of the book will accurately indicate any line thereon desired.” (*Bailey, et al.*, Col. 3, lines 22-25.)

Further *Bailey, et al.*, does not disclose or teach the utilization of a flexible, elongated member as a bookmark. Element C of *Bailey, et al.*, although described as being elastic, is provided with a stiffening sleeve E the purpose of which is to stiffen or provide inflexibility to member C at the point of attachment for strip A. Thus, *Bailey, et al.* teaches away from the claimed invention.

Thus, Applicants respectfully disagree with the Examiner’s characterization of the disclosure or teaching of *Bailey, et al.* Furthermore, Applicants respectfully disagree with the Examiner’s characterization of *Crane*. Contrary to the Examiner’s characterization, Applicants submit that *Crane* does not teach the use of first and second abutment members. *Crane* is a design patent with only a plan view. This view does not disclose the head or legs portions of the bookmarks as being abutment members as claimed.

Furthermore, Applicants submit it would not have been obvious to modify *Bailey, et al.* by adding the top and bottom members of *Crane*. First, in *Bailey, et al.* the member C is held in place by hooks c which attach to the spine of the book. Thus, there is no reason or incentive to add abutment members since hooks c already serve to hold element C and the book indicator strip A in place. Mere ornamentation, as suggested by the Examiner is not a reason or motivation to add the elements of *Crane*. More importantly, the combination of *Bailey, et al.* and *Crane* would not result in the claimed invention.

Similarly, Applicants disagree with the Examiner's rejection of Claims 23 and 28. Applicants submit that there is nothing in *Bailey et al.* to suggest that it could be coiled about any abutment added to its lower end. The structure of *Bailey, et al.*, even if modified as suggested by the Examiner, is incapable of being coiled about its lower limbs. Stiffening sleeve E and strip A clearly teach away from attempting to coil member c around any abutment located at either end.

Finally, Applicants disagree with the Examiner's rejection of Claim 25. There is no suggestion or teaching in *Bailey, et al.* for joining hooks c together when the book-indicator is removed from actual use in a book.

The Claim 17 Rejection Under Section 103(a)

Applicants respectfully traverse the Examiner's rejection of Claim 17 as being unpatentable over *Bailey, et al.*, in view of *Crane* as applied to Claims 16, 18-25 and 28, and further in view of *Ward, et al.* As discussed above, Applicants respectfully traverse the Examiners position regarding the teachings or disclosure of both *Bailey, et al.* and *Crane*, as well as the suggestion or motivation to modify *Bailey, et al.* as suggested by the Examiner. For these same reasons, Applicants respectfully submit that it would not be obvious to utilize the three-dimensional feature of *Ward, et al.* in combination with *Bailey, et al.* and *Crane*. Although *Ward, et al.*, does teach that band A is elastic it does not teach the use of an elastic band as claimed. As shown in *Ward, et al.* band A extends beyond both ends of the book. Band A is held in place by clasps B which slide along band A to different positions to accommodate books of different sizes. The elasticity of band A is to allow for the removal of the hooks b² portion of the band by pulling on band A until hooks b² releases. Band A in *Ward* is not utilized to accommodate to books of differing sizes by virtue of its elasticity. *Ward, et al.* differs in construction and operation than the claimed invention and

Applicants respectfully submit that *Ward, et al.*, combined with *Bailey, et al.* and *Crane* does not render Claim 17 obvious.

The Claims 29-31 Rejection Under Section 103a

The Examiner has rejected Claims 29-31 as being unpatentable over *Bailey, et al.*, in view of *Crane* as applied to Claims 16, 18-28 and 28, and further in view of *Cox*. As discussed above, Applicants respectfully traverse the Examiners position regarding the teachings or disclosure of both *Bailey, et al.* and *Crane*, as well as the suggestion or motivation to modify *Bailey, et al.* as suggested by the Examiner. For these same reasons, Applicants respectfully submit that it would not be obvious to utilize the three-dimensional feature of *Cox* in combination with *Bailey, et al.* and *Crane*. The three-dimensional element of *Cox* is not an abutment member as claimed and there is not teaching or suggestion in either *Bailey, et al.* or *Cox* to combine the two. Moreover, Applicants submit that the combination of *Bailey, et al.*, *Crane* and *Cox* as suggested by the Examiner would not result in the claimed invention.

Thus, the Applicants respectfully submit that pending Claims 16-31, as amended, are allowable over the art of record. Applicants also submit that new Claim 32 is similarly allowable.

Proposed Drawings

Applicant hereby submits a new proposed drawing containing Figures 25 and 26 to show the features claimed in Claims 21 and 22. The new proposed drawing and the amendments to the specification pertaining to the drawings does not constitute new matter. Both the drawings and specification amendment are supported by the claims as originally filed.

CONCLUSION

Applicants respectfully submit that the claims, as amended, are allowable over the art of record and are in compliance with Section 112, 2nd paragraph. Therefore, Applicants earnestly request a Notice of Allowance. In the event there are any remaining informalities which need to be addressed to place the application in condition for a Notice of Allowance Applicants request a telephone call to the undersigned Attorney.

If any additional fees are due with this paper, please charge our deposit account 21-0800.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP



Gary M. Anderson
Registration No. 30,729

GMA:srp
Enclosure
FULWIDER PATTON LEE & UTECHT, LLP
200 Oceangate, Suite 1550
Long Beach, California 90802
(562) 432-0453

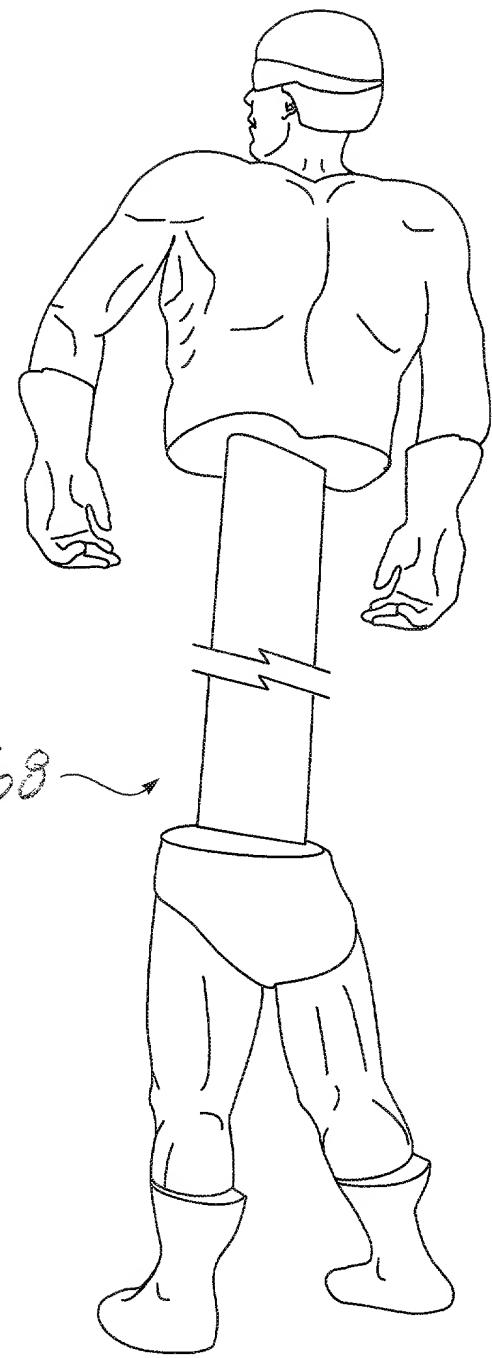


Fig. 25

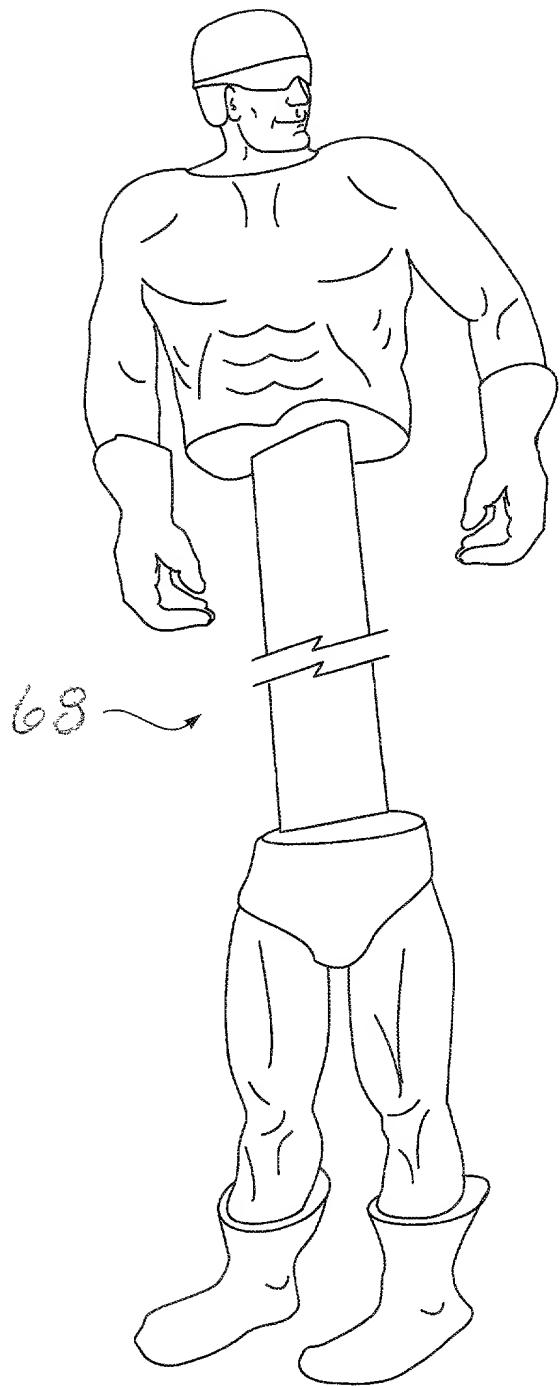


Fig. 26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOOKMARK

Inventors:

Judy Glenna Shannon
3615 Hidden Lane #E
Rolling Hills,
California 90274
U.S. Citizen

Patrick Wayne Klasno
P.O. Box 1399
Morongo Valley,
California 92256
U.S. Citizen

BACKGROUND OF THE INVENTION

A portion of the disclosure of this patent document contains materials which are subject to copyright protection. The copyright owner has no objection to the facsimile reproduction by anyone of the patent document or the patent disclosure, as it appears in the Patent and Trademark Office file or records, but otherwise reserves all copyright rights whatsoever.

A. Field of the Invention

The present invention is directed to a plush toy that has use as a bookmark.

B. Discussion of the Prior Art

Bookmarks are well known, and plush toys having the shape, style and overall configuration of animal characters are also well known. It is also known, as illustrated in U.S. Patent No. 4,934,304, to place a uniquely configured and aesthetically pleasing figure, such as that of an animal, at one end of a clip, thus forming an abutment stop and which may be used as a bookmark.

OBJECTS AND SUMMARY OF THE INVENTION

It is an object of the present invention to provide a bookmark having a uniquely configured and aesthetically pleasing figure at both ends of a ribbon section of a bookmark to provide an abutment stop at the top and the bottom.

It is a further object of the present invention to provide a bookmark having an upper terminus, a lower terminus and an elastomeric ribbon in between, for use as a bookmark on books of different heights.

5 If is a further object of the present invention to provide a small, plush toy which is adapted to function as a bookmark in a uncoiled position.

BRIEF DESCRIPTION OF THE DRAWINGS

10 Figure 1 is front, side, perspective view of a first preferred embodiment of the present invention, shown in an expanded condition.

15 Figure 2 is a rear, side, perspective view of the Figure 1 embodiment in an expanded position.

Figure 3 is front, side, perspective view of the Figure 1 embodiment shown placed in a book and having its ribbon portion stretched.

20 Figure 4 is a rear, side, perspective view of the Figure 1 embodiment showing the ribbon in a partially wound condition.

25 Figure 5 is a rear, side, perspective, partial cross-sectional view of the Figure 1 embodiment shown with the ribbon in a fully coiled position.

Figure 6 is a front, side, perspective view of the Figure 1 embodiment shown with the ribbon in a fully coiled position.

5 Figure 7 is a front, side, perspective view of a second embodiment of the present invention.

Figure 8 is a rear, side, perspective view of the second, alternate embodiment.

10 Figure 9 is a front, side, perspective view of a third embodiment of the present invention.

Figure 10 is a rear, side, perspective view of a third embodiment of the present invention.

15 Figure 11 is a rear, side, perspective view of a fourth preferred embodiment of the present invention.

20 Figure 12 is a front, side, perspective view of a fourth preferred embodiment of the present invention.

Figure 13 is a front, side, perspective view of a fifth preferred embodiment of the present invention.

25 Figure 14 is a rear, side, perspective view of the fifth preferred embodiment of the present invention.

Figure 15 is a top, side, perspective view of a sixth preferred embodiment of the present invention.

5 Figure 16 is a bottom, side, perspective view of a sixth preferred embodiment of the present invention.

Figure 17 is a top, side, perspective view of an seventh preferred embodiment of the present invention.

10 Figure 18 is a bottom, side, perspective view of the seventh preferred embodiment of the present invention.

Figure 19 is a bottom, side, perspective view of a eighth preferred embodiment of the present invention.

15 Figure 20 is a top, side, perspective view of the eighth preferred embodiment of the present invention.

20 Figure 21 is a top, side, perspective view of a ninth preferred embodiment of the present invention.

Figure 22 is a bottom, side, perspective view of the ninth preferred embodiment of the present invention.

25 Figure 23 is a bottom, side, perspective view of a tenth alternate preferred embodiment of the present invention.

Figure 24 is a top, side, perspective view of the tenth alternate preferred embodiment of the present invention.

DESCRIPTION OF THE PREFERRED EMBODIMENT(S)

5 Referring to Figures 1-6, a first preferred embodiment of the present plush toy bookmark invention will be described. As shown in Figure 1 bookmark 30 includes a top, head and torso portion 32; a bottom, torso and leg portion 34, and an intermediate member, preferably in the form of a strip, or ribbon 36, which is firmly attached to the top portion 32 as well as to the bottom portion 34 by any conventional means such as sewing or the equivalent. The present plush toy bookmark invention is intended for use by children as a bookmark. Its upper torso and head portion as well as the lower torso and leg portion are preferably chosen to represent animals or cartoon characters which may be attractive to children. For example, in the Figure 1 embodiment, the face and forepaws of a bear are shown. Correspondingly, the Figure 2 rear, perspective view shows the back of the head, ears and torso of the bear character.

20 As may be seen, the plush toy bookmark of the present invention, provides not only a planar, elongated member that is placed between the pages of a book as a place marking, but also provides a unique way to secure the marker without having to physically attach to the page, such as, for example, a clip, and 25 to secure the marker at both ends of the book. Moreover, the plush toy ends of the bookmark provide a pleasing appearance to

children, and may be used as toys separate and apart from their function as bookmarks.

The strip, or ribbon 36 is preferably of a thin, cloth or cloth like material which can be placed between pages of a book and along its spine to function as a bookmark. The ribbon is preferably of a durable and will enable a firm connection to the top torso portion 32 and the bottom torso portion 34 to be made. Also, as a preferable option, the ribbon 36 may be of an elastomeric material so that it may stretch to accommodate the different heights of different books, as shown for example, in Figure 3. Preferably the length of the ribbon 36 is chosen to accommodate the most popular or some known sizes of children's books. However, in an embodiment wherein the ribbon 36 is made of elastomeric material, it will permit the bookmark 30 to be used with different sized books 40.

The upper torso portion 32, as well as the lower torso portion 34 are, preferably, 3-dimensional plush toys. As such, they function as abutments or anchors for the ribbon 36 of the bookmark. Other 3-dimensional forms, whether inanimate objects or representations of characters, may be used as abutment, or stop members as well. Because of their dimensions and firm attachment to the ribbon 36, the upper portion 32 and lower portion 34 function to keep the bookmark in place and not fall through the book when the book is picked up by the child. They also serve as a ready identifier for the location of the bookmark. With the present invention being incorporated into

different characters, such as an elephant, cat, rabbit and so forth, it is believed that a particular child may choose a particular character as a favorite for use as a bookmark and/or as a toy.

5 Referring to Figures 4, 5, and 6, the ribbon 36 is shown wrapped or coiled around the lower torso to provide for shortening the effective length of the ribbon and/or to convert the bookmark to be a small, plush toy. As shown in Figure 4, the ribbon 36 has been rolled around the lower torso portion 34 several times to form a roll 38. Preferably, the legs 42 and 44 of the lower torso portion are constructed so that they either point inward or have a bowed shape so that the distal ends of the legs and/or the knee regions of the legs have a distance between them in a resting position that is less than the width of the ribbon 36. Thus, when winding the ribbon 36 around the lower torso portion 34, the legs 42 and 44 must be spread apart so that the winding 38 can be accomplished. When the ribbon 36 is fully wound around the lower torso portion 34, the legs 42 and 44 are released, and they return to their original position, and as such perform a holding function to keep the winding 38 in place, i.e., prevent it from uncoiling.

10

15

20

As shown in Figures 5 and 6, a rear, side, perspective, and a front, side, perspective view, the ribbon 36 has been fully wound around the lower torso portion 34 and the legs 42 and 44 are in their relaxed position. In this way, the ribbon 36 has been wound into a tight coil 38 which is kept in place by the

25

pincher action of the legs 42 and 44. In this fashion, the bookmark of the present invention can be stored or used as a little, plush toy.

The upper torso and lower torso portions of the
5 bookmark of the present invention are plush toys as that term is
well known and used. Referring to Figure 5, for example, the
plush toy has an exterior covering 46 made of a plush material
such as, for example, a polyester. The filler material, shown
at 48 in Figure 5 are typically PVC pellets, or beans, peas or
10 other naturally occurring materials having a mean diameter of
several millimeters.

As shown above, the first preferred embodiment of the
present invention, as shown in Figures 1-6, has the shape, style
and overall configuration of a bear.

15 Referring to the alternate embodiment 50 illustrated
in Figures 7 and 8, the torso and head portions have the shape,
style and overall configuration of a panda. This alternate
embodiment also illustrates the use of fasteners on the plush toy
so that it may be used as a bracelet or otherwise attached
20 circumferentially around an object. Specifically, Velcro brand
fastening patches 49, and 51 are attached to the upper torso
portion and lower torso portion of the toy, on the under side,
so that, for example, the toy could be wrapped around a child's
wrist, arm, leg, etc., and the Velcro brand fasteners stuck
25 together to form a type of bracelet. Alternately, the fastening

patches could be placed on the outside portions of the toy, however, preferably they are placed as shown in Figure 7.

The alternate embodiment 52 of Figures 9 and 10, has a shape, style and overall configuration of a pig.

5 The embodiment 54 shown in Figures 11 and 12 is characterized as a dog. The Figure 12 embodiment shows an alternate fastener, which functions as does the fastener shown and described above with respect to Figure 7. In the Figure 12, fastener, a conventional snap fastener is shown, with a female portion 53 attached, conventionally, to the upper torso and the male portion 54 of the snap fastener attached, conventionally, to the lower torso.

10 Referring to the alternate embodiment 56 Figures 13 and 14, a monkey is illustrated. The embodiment 58 Figures 15 and 16 has a shape, style and overall configuration of a rabbit and a mouse is shown in the embodiment 60 illustrated in Figures 17 and 18. In Figures 19 and 20, a zebra 62 illustrated and in Figures 21 and 22 a duck 64 shown. Finally, the embodiment 66 shown in Figures 23 and 24 is a representation of a squirrel.

15 While the invention has been described in terms of what are presently considered to be the most practical and preferred embodiments, it is to be understood that the invention need not be limited to the disclosed embodiments. On the contrary, it is intended to cover various modifications and similar arrangements 20 included within the spirit and scope of the appended claims, the

7192-1002

scope of which should be accorded the broadest interpretation so as to encompass all such modifications and similar structures.

DOCS PROCESS - OFFICE OF EXECUTIVE

What is claimed is:

1. A bookmark comprising:

an intermediate member having a predetermined length,

5 width and being sufficiently thin to extend between pages of a book and along the length of the spine of the book without stretching its binding;

10 a first abutment member having a length dimension, a width dimension and a thickness dimension, and attached to a first end of the intermediate member; and

15 a second abutment member having a length dimension, a width dimension and a thickness dimension, and attached to a second end of the intermediate member.

20 2. The bookmark of claim 1 wherein the first abutment member is a representation of a portion of an animal.

25 3. The bookmark of claim 1 wherein the first abutment member is a representation of a human.

4. The bookmark of claim 1 wherein the intermediate member is a ribbon.

5. The bookmark of claim 1 wherein the intermediate member is made of an elastomeric material.

6. The bookmark of claim 1 wherein the second abutment member includes a representation of two limbs, with the distal portions of the limbs having, in their resting position, a distance therebetween that is less than the width of the ribbon.

5

7. The bookmark of claim 1 wherein the second abutment member is adapted to have the intermediate member wound there around.

10

8. A plush toy bookmark comprising:

a ribbon having a predetermined length, width and being sufficiently thin to extend between pages of a book and along the length of the spine of the book without stretching its binding;

15

a plush toy representation of the upper torso, forelimbs and head of a character attached to a first end of the ribbon; and

a plush toy representation of the lower torso and hind limbs of the character attached to the second end of the ribbon.

20

9. The bookmark of claim 8 wherein the character is an animal.

10. The bookmark of claim 8 wherein the character is humanoid.

25

11. The bookmark of claim 8 wherein the ribbon is made of an elastomeric material.

12. The bookmark of claim 8 wherein the lower torso limbs
5 include distal portions having, in their resting position, a distance therebetween that is less than the width of the ribbon.

13. The bookmark of claim 9 wherein the lower torso is adapted to have the ribbon wound there around and into a coil
10 whereby a small plush toy oriented in a sitting position is provided.

14. A plush toy bookmark comprising:

a ribbon adapted to extend between two pages of a book and along the length of the spine of the book;

a three-dimensional, plush toy representation of the upper torso, forelimbs and head of an animal character attached to a first end of the ribbon;

20 a three-dimensional plush toy representation of the lower torso and rear limbs of the animal character attached to the second end of the ribbon, the rear limbs having a shortest distance between them in a resting position being less than the width of the ribbon and adapted to be spread apart;

25 whereby the ribbon may be coiled around the lower torso when the rear limbs are spread apart and is held in a coiled

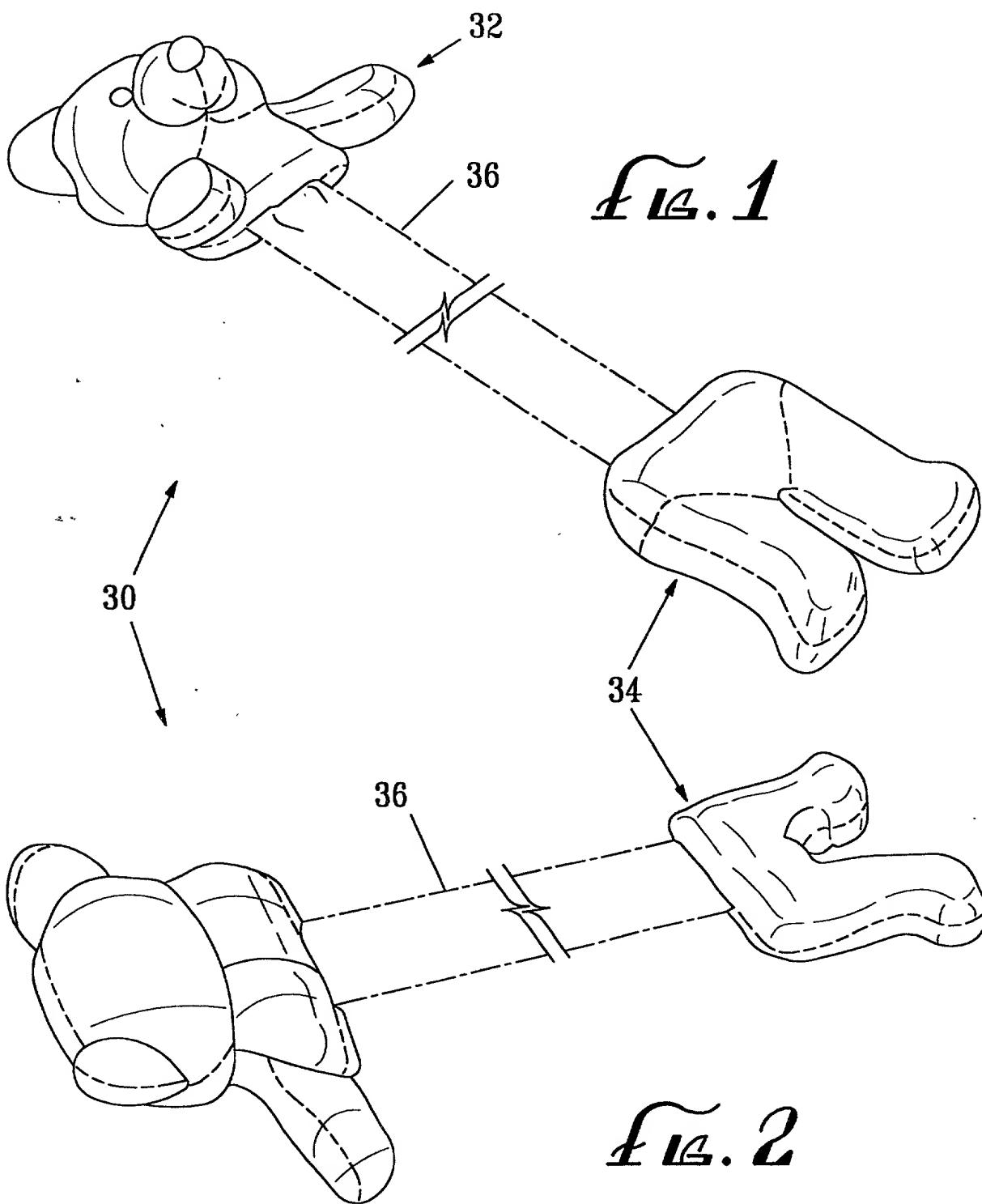
7192-1002

position by the rear limbs in their resting position to provide
a small plush toy animal in a sitting position.

15. The bookmark of claim 14 wherein the ribbon is made of
5 an elastomeric material.

ABSTRACT

A plush toy having an upper torso and head portion of an animal character firmly attached to one end of a ribbon, a lower torso and leg portion of the animal character attached 5 at the ribbon's other end to provide, with the ribbon in the uncoiled position, a bookmark with the ribbon stretching along the spine of the book with the torso portions functioning as anchors, and, in the rolled, or coiled position, to provide a small, plush toy animal in a sitting position.



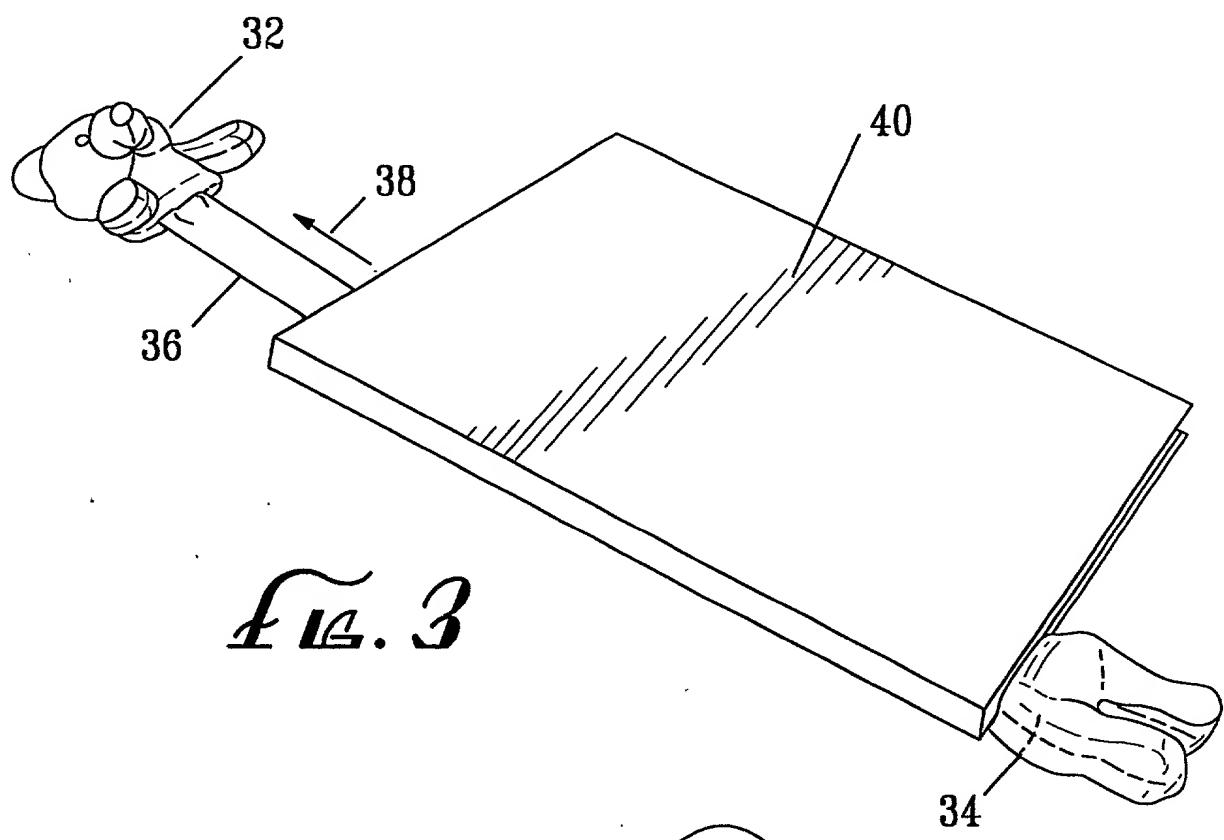


FIG. 3

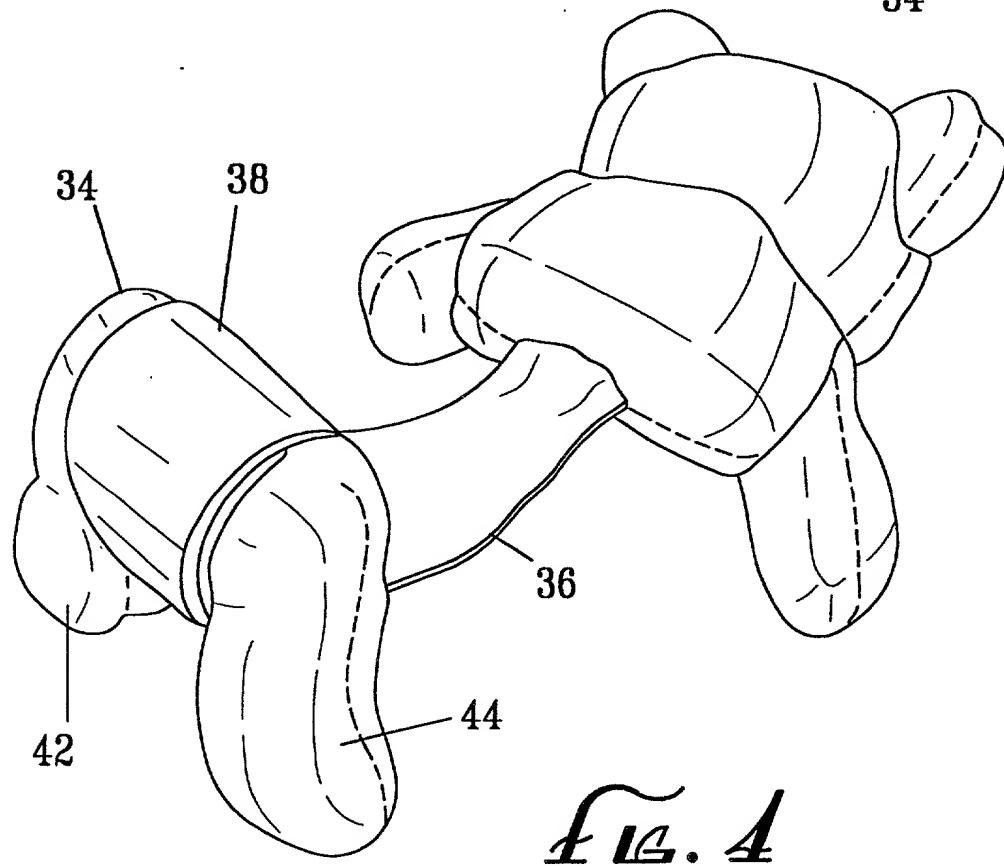


FIG. 4

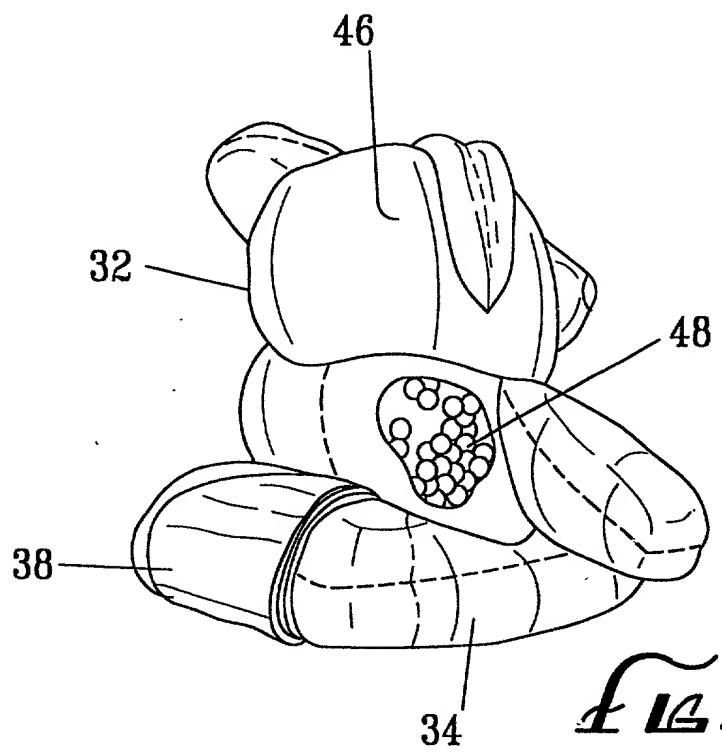


FIG. 5

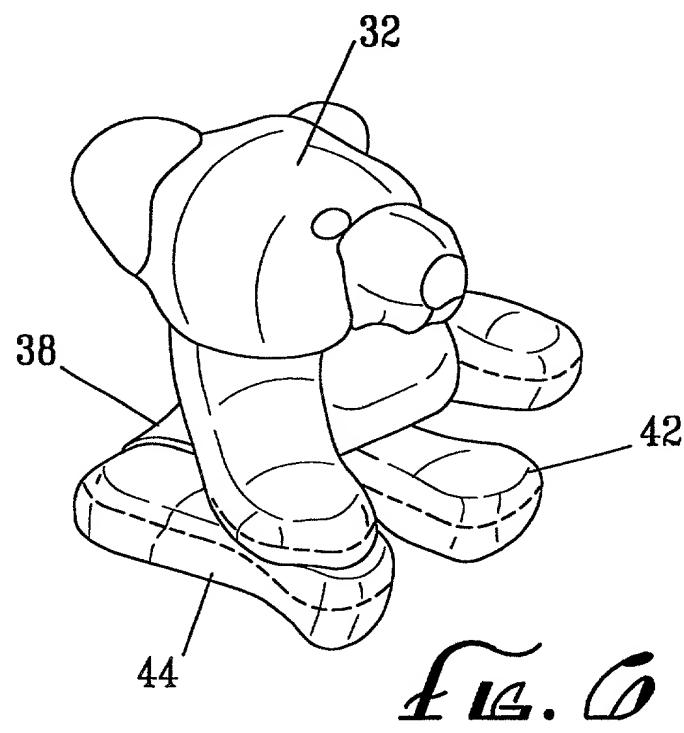


FIG. 6

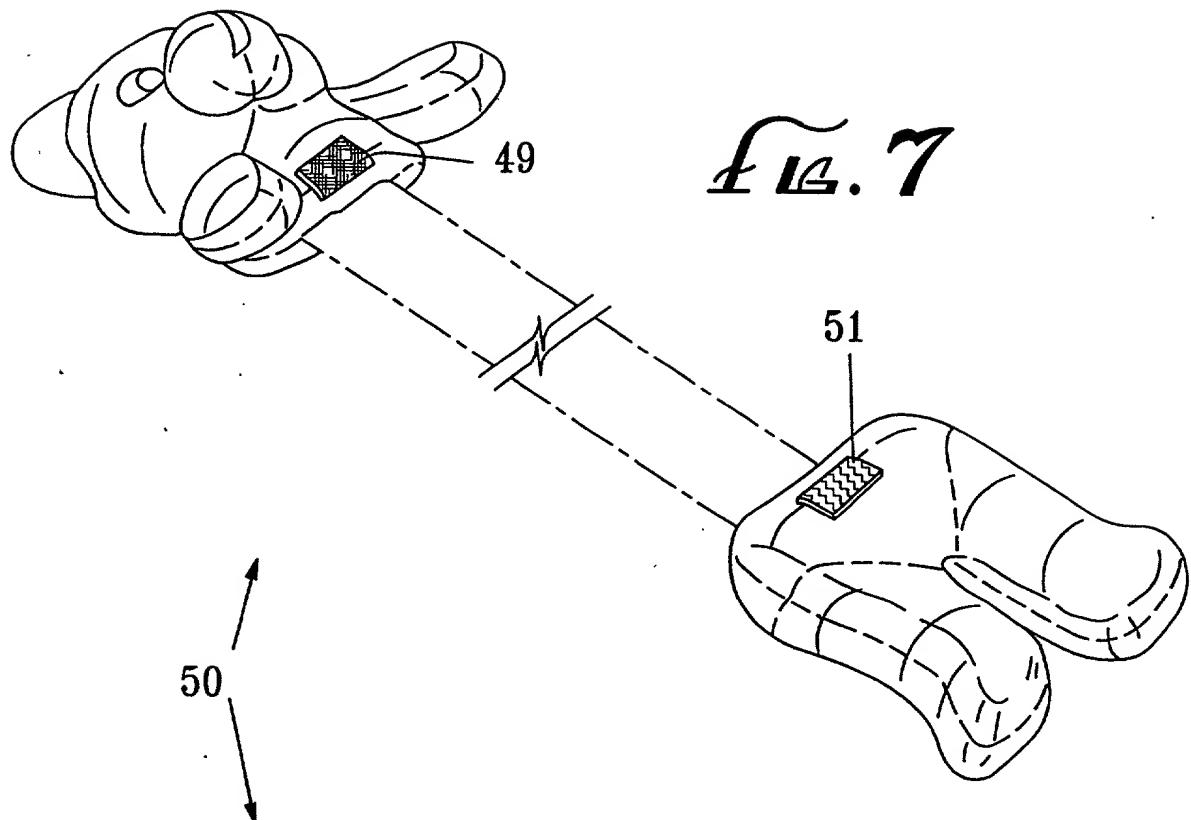


FIG. 7

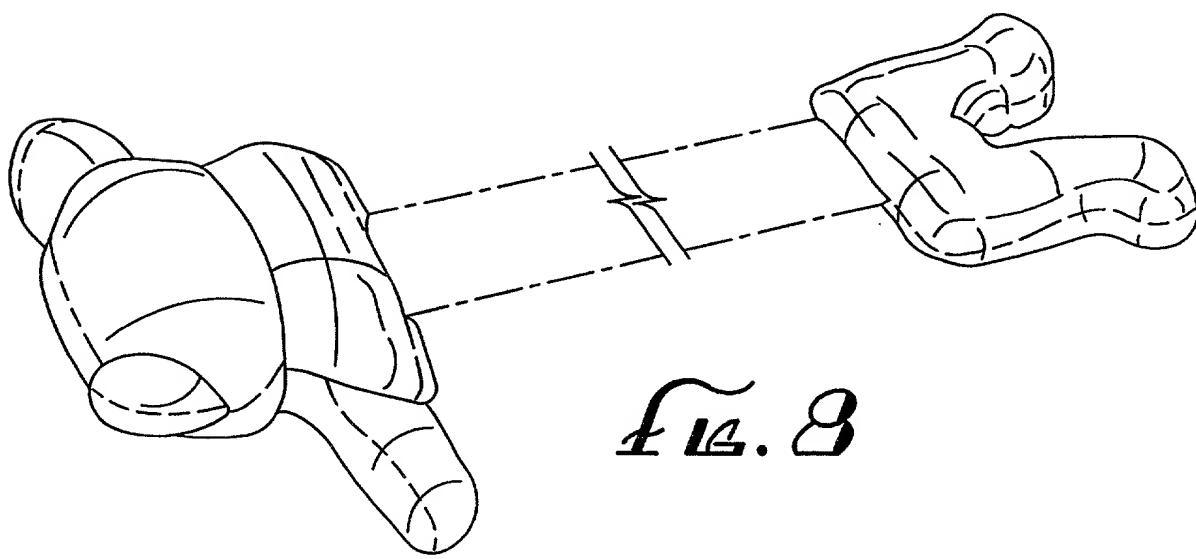


FIG. 8

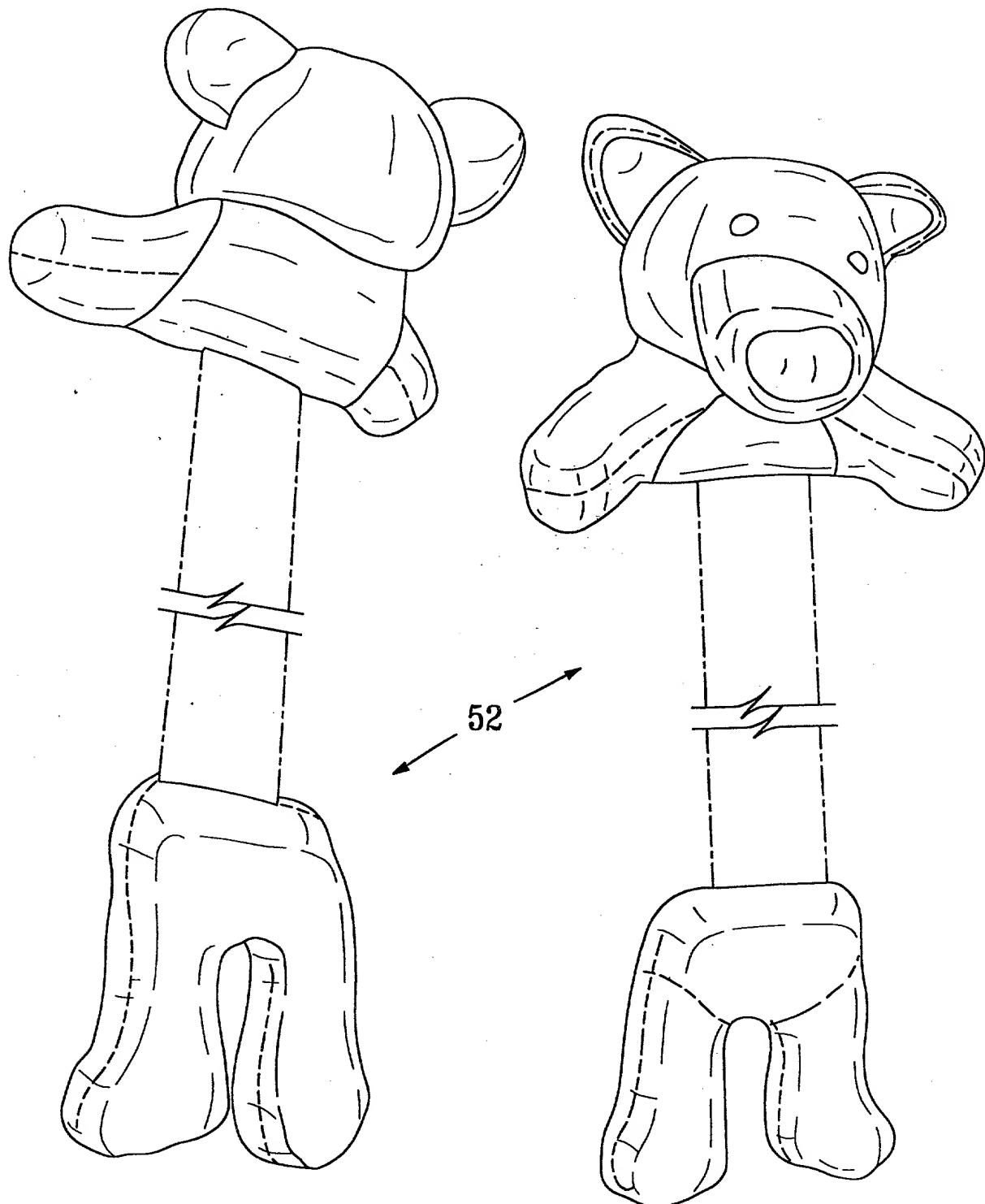


FIG. 10

FIG. 9

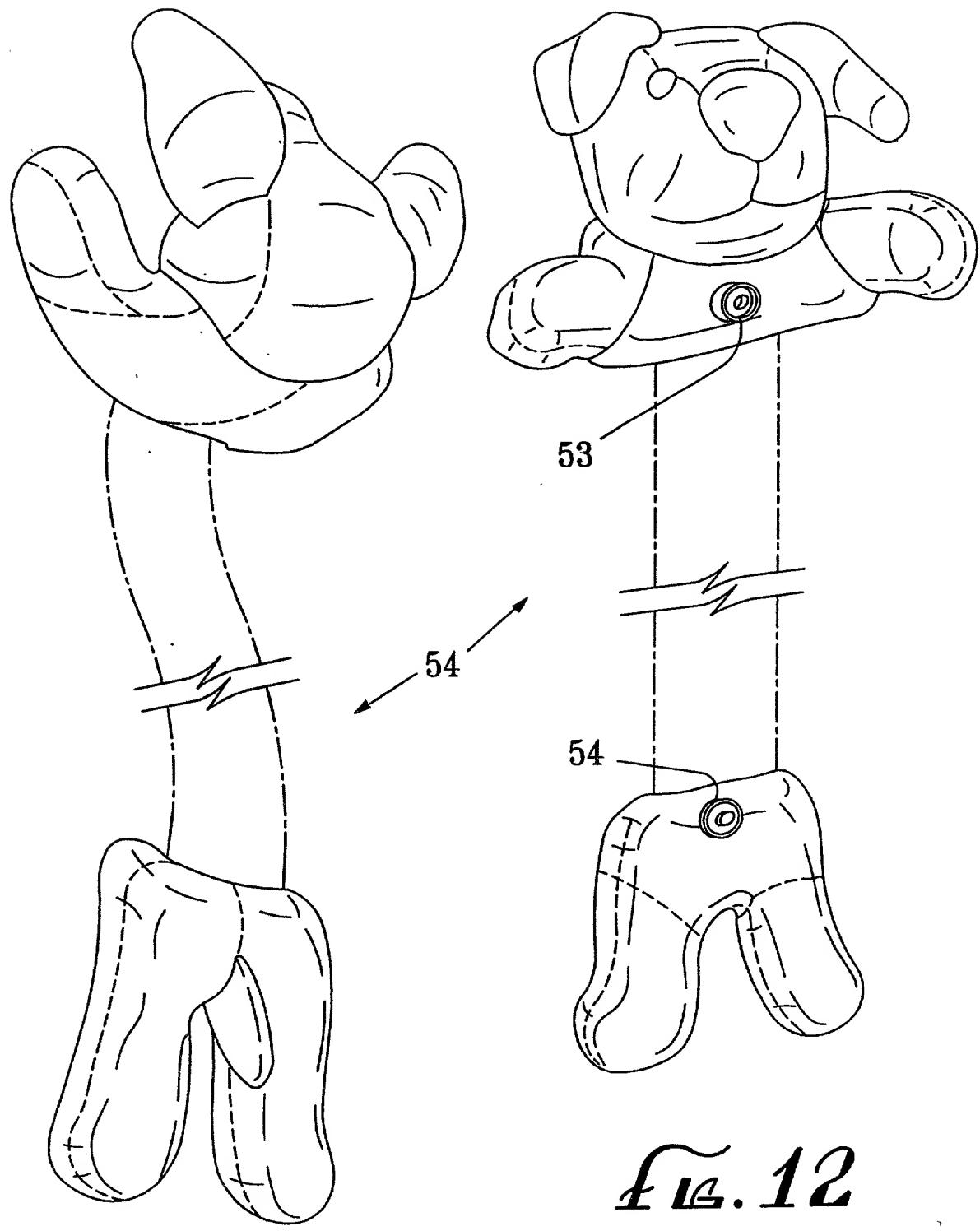


FIG. 11

FIG. 12

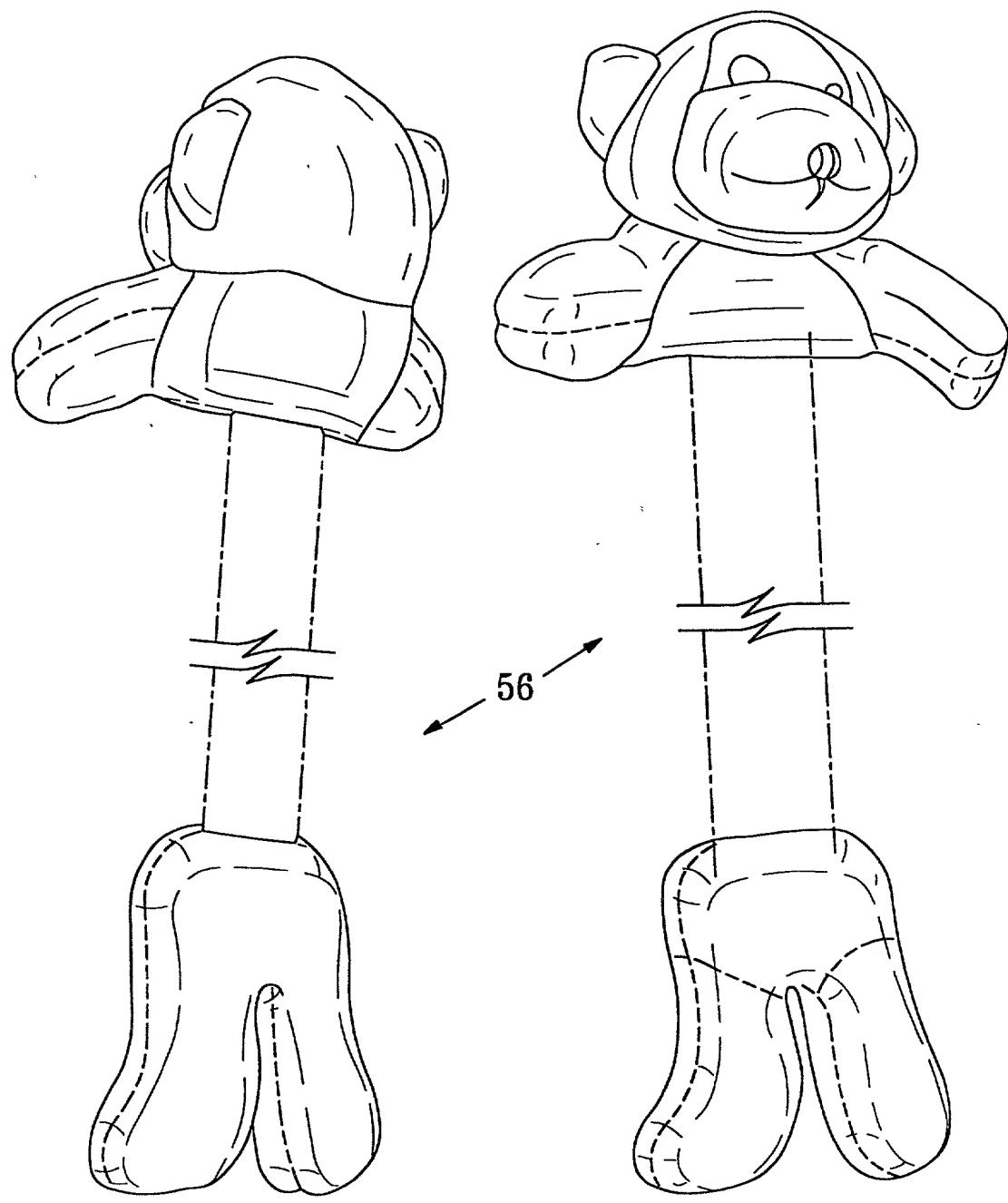


FIG. 14

FIG. 13

FIG. 15

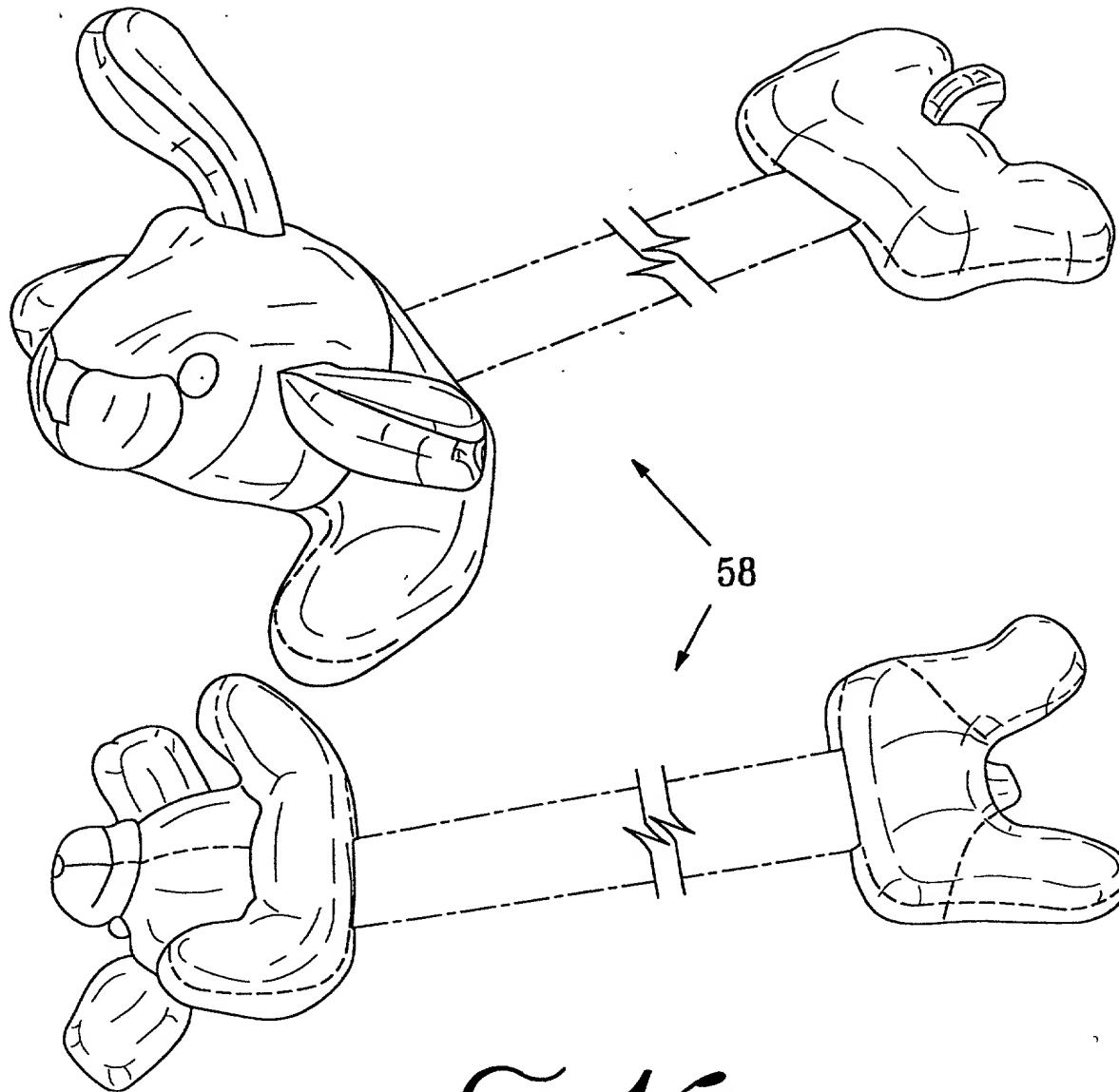
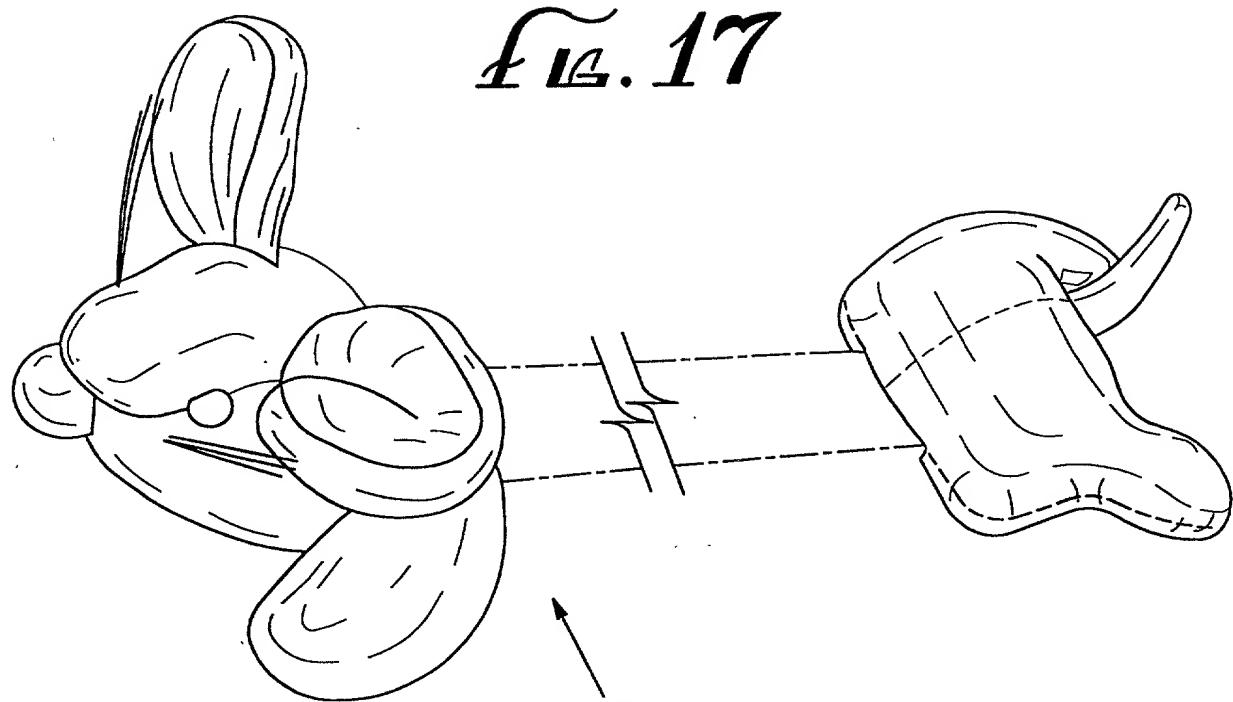


FIG. 16

FIG. 17



60

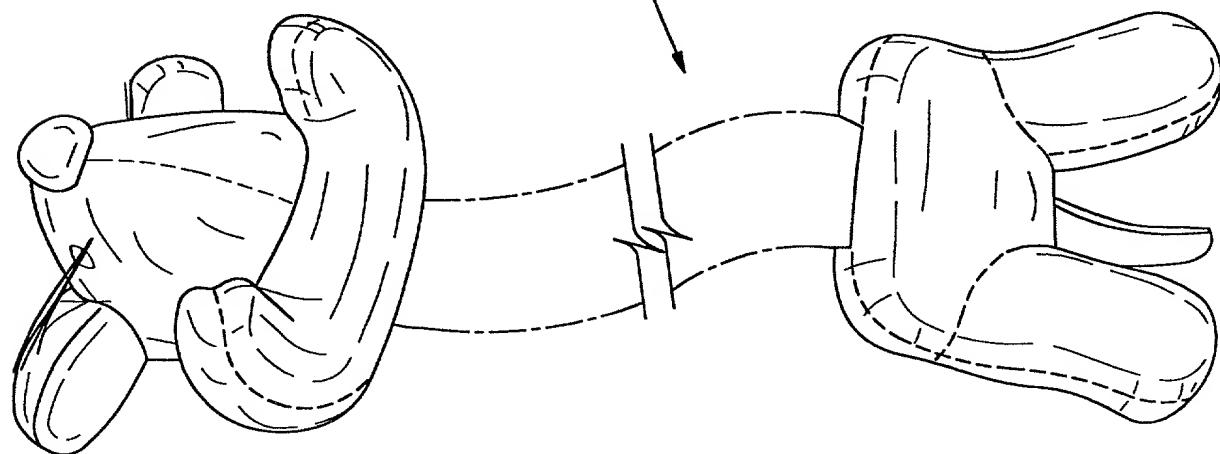


FIG. 18

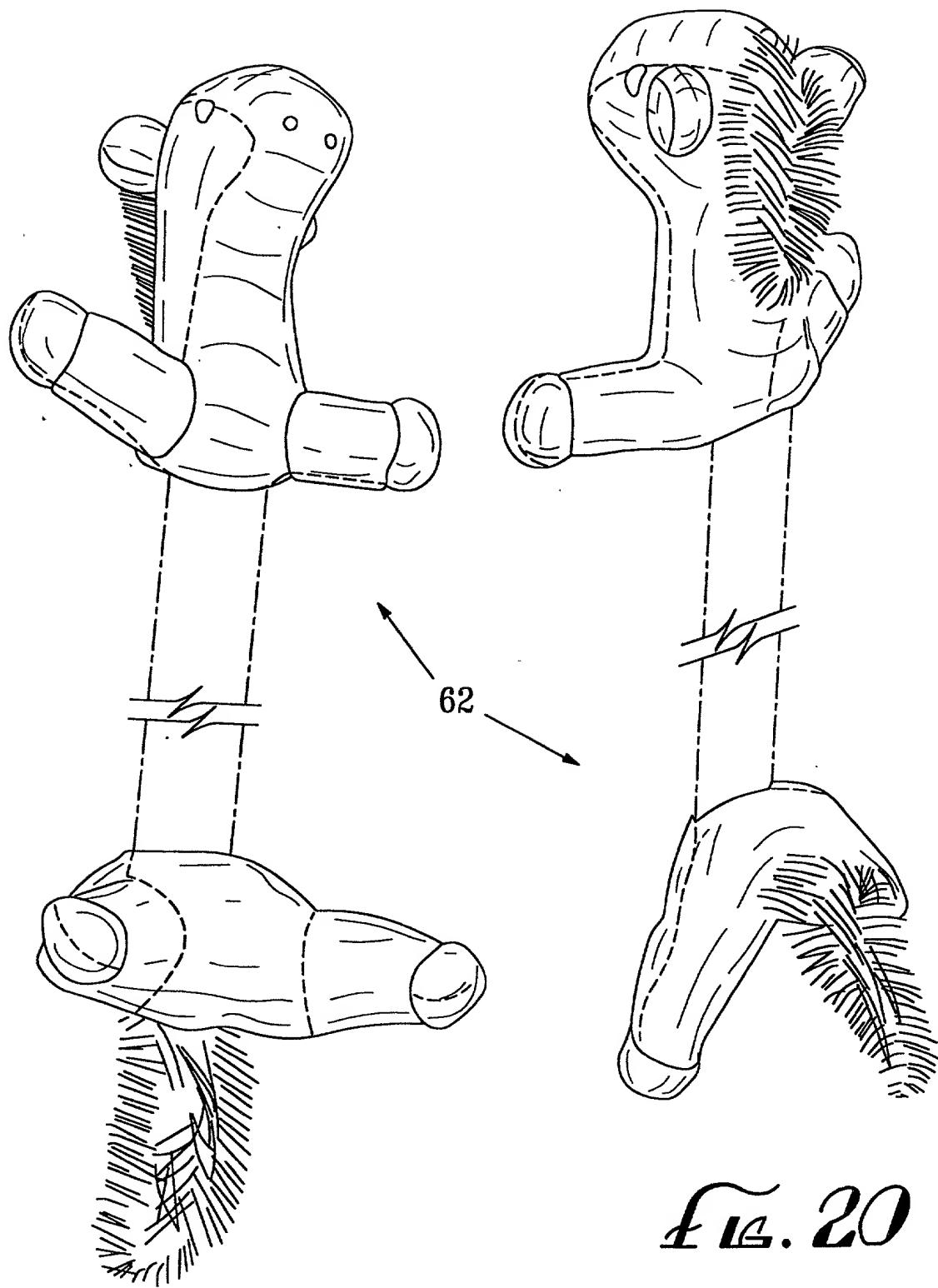


FIG. 19

FIG. 20

FIG. 21

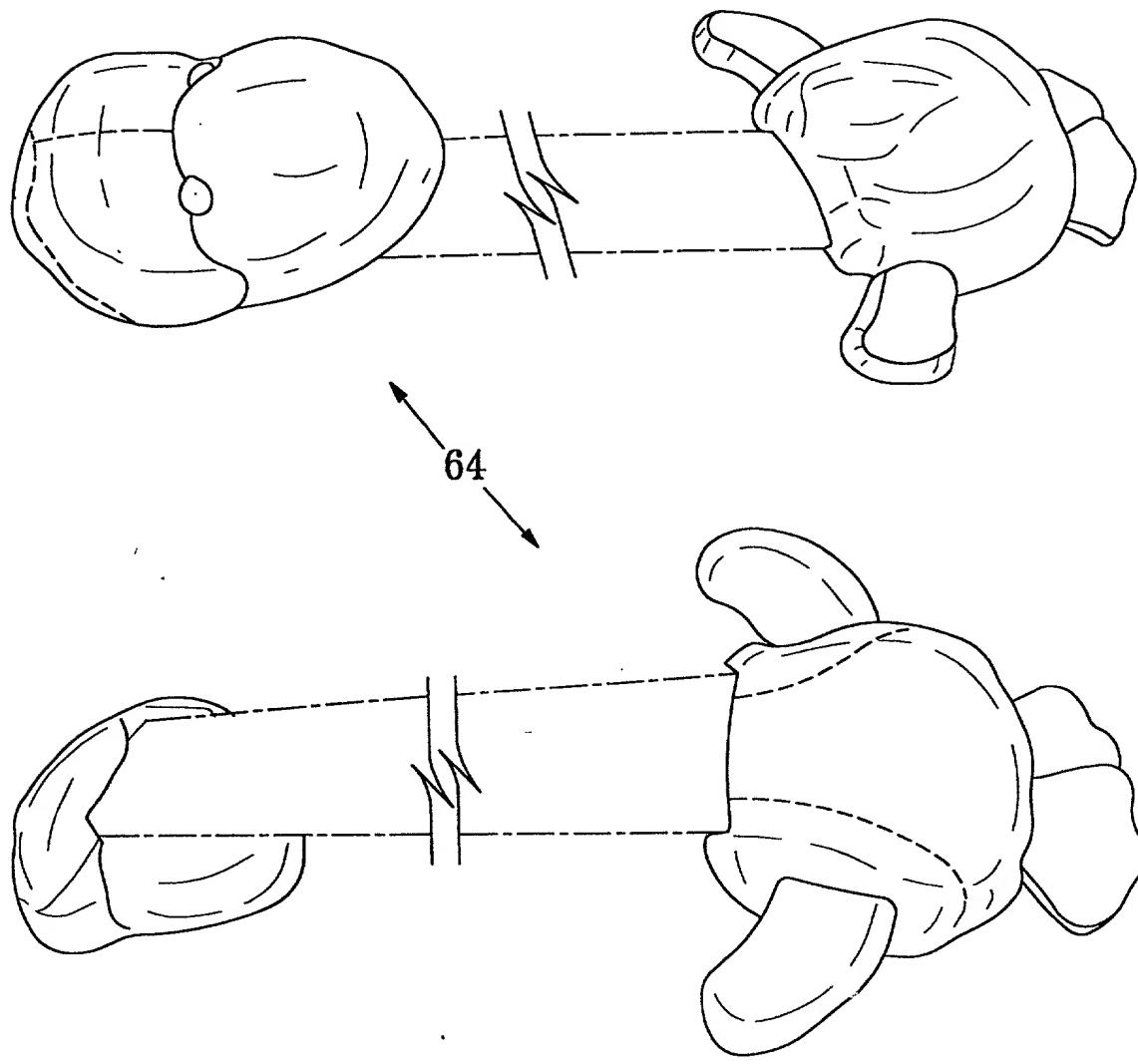


FIG. 22

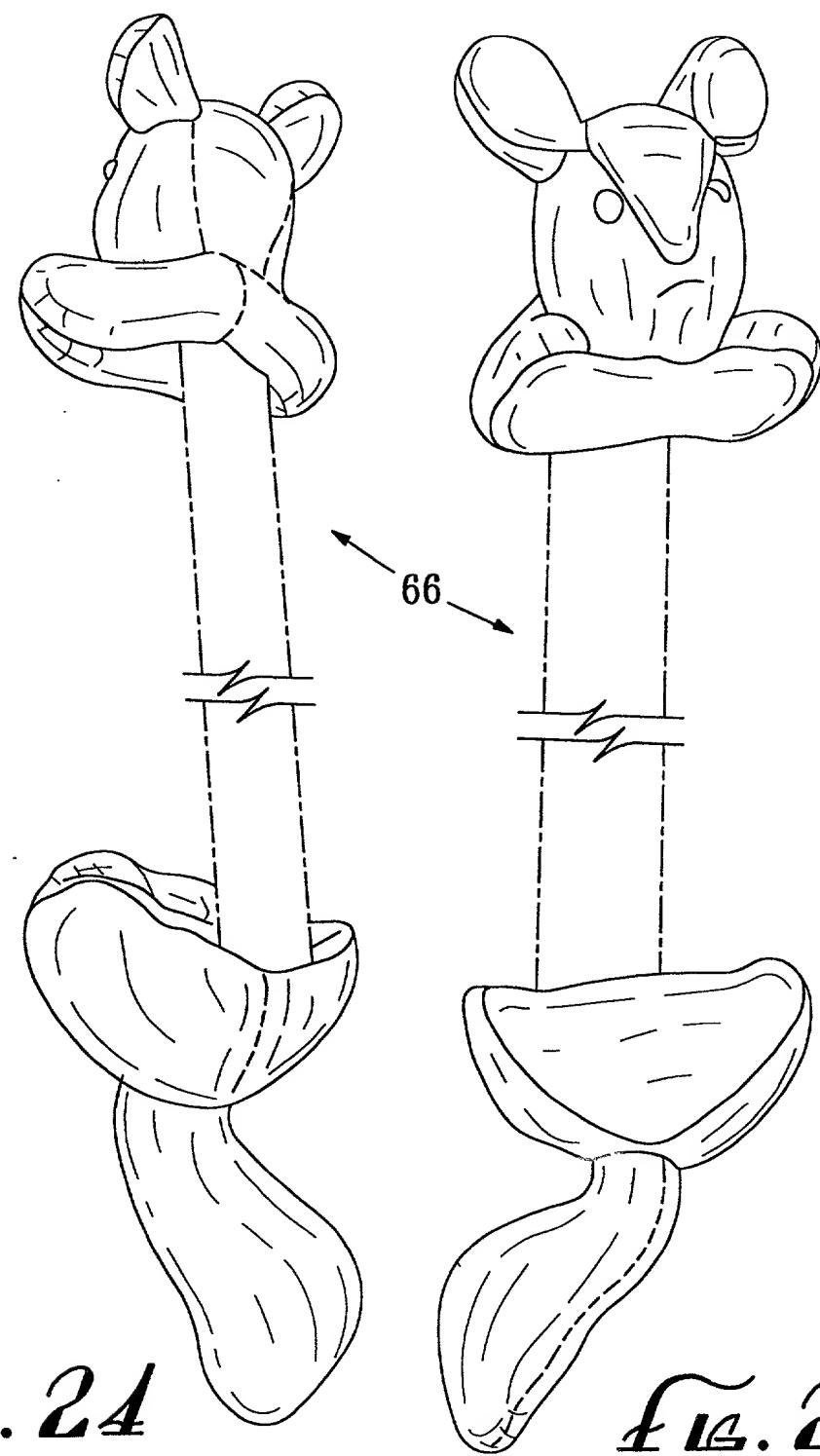


Fig. 24

Fig. 23

Please type a plus sign (+) inside this box → [+]

PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted with Initial Filing Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number 7192-1002
First Named Inventor Judy G. Shannon

COMPLETE IF KNOWN

Application Number	/
Filing Date	
Group Art Unit	
Examiner Name	

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BOOKMARK

the specification of which

(Title of the Invention)

is attached hereto
OR

was filed on (MM/DD/YYYY) _____ as United States Application Number or PCT International

Application Number _____ and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
		<input type="checkbox"/>

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box →

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number <i>(If applicable)</i>

Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Customer Number → Place Customer Number Bar Code Label here

OR
 Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: Customer Number or Bar Code Label OR Correspondence address below

Name	JON E. HOKANSON		
Address	SMALL LARKIN, LLP		
Address	10940 Wilshire Boulevsrd, 18th Floor		
City	Los Angeles	State	CA
Country	Telephone	310-209-4499	ZIP 90024
	Fax	310-209-4450	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: A petition has been filed for this unsigned inventor

Given Name (first and middle if any)

Family Name or Surname

Judy Glenna

Shannon

Inventor's Signature



Date

8/8/98

Residence: City

Rolling Hills	State	CA	Country	USA	Citizenship	USA
---------------	-------	----	---------	-----	-------------	-----

Post Office Address

3615 Hidden Lane #E

Post Office Address

Rolling Hills, CA 90274

City

State

CA

ZIP

90274

Country

USA

Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Please type a plus sign (+) inside this box → +

PTO/SB/02A (3-97)

Approved for use through 9/30/98. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION

ADDITIONAL INVENTOR(S) Supplemental Sheet

Page 3 of 3

Name of Additional Joint Inventor, if any:

A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Family Name or Surname

PATRICK WAYNE

KLASNO

Inventor's
Signature

Patrick Wayne Klasno

Date

8/18/98

Residence: City

Morongo Valley

State

CA

Country

US

Citizenship

US

Post Office Address

P.O. Box 1399

Post Office Address

City

Morongo Valley

State

CA

ZIP

92256

Country

US

Name of Additional Joint Inventor, if any:

A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Family Name or Surname

Inventor's
Signature

Date

Residence: City

State

Country

Citizenship

Post Office Address

Post Office Address

City

State

ZIP

Country

Name of Additional Joint Inventor, if any:

A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Family Name or Surname

Inventor's
Signature

Date

Residence: City

State

Country

Citizenship

Post Office Address

Post Office Address

City

State

ZIP

Country

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee: Judy Glenna Shannon, et al
Serial No.: To be Assigned
Filed or Issued: To be Assigned
For: BOOKMARK

Commissioner of Patents and Trademarks
Washington, D.C. 20231

POWER OF ATTORNEY

As an officer of the assignee of the entire right, title and interest of the above identified patent

- application
 patent

POWER OF ATTORNEY

I/We hereby appoint the following attorney(s) and/or agent(s) to prosecute and transact all business in the Patent and Trademark Office connected therewith.

Thomas M. Small, Reg. No. 20,379
Jon E. Hokanson, Reg. No. 30,069

PATENT
7192-1002

SEND CORRESPONDENCE TO:

Jon E. Hokanson
Small Larkin, LLP
10940 Wilshire Boulevard
Eighteenth Floor
Los Angeles, California 90024

DIRECT TELEPHONE CALLS TO:

Jon E. Hokanson.: (310) 209-4499

KING PLUSH ENTERPRISES, Inc.
assignee of the entire
right, title and interest

Date: 8/18/98, 1998

Patrick Wayne Klasno

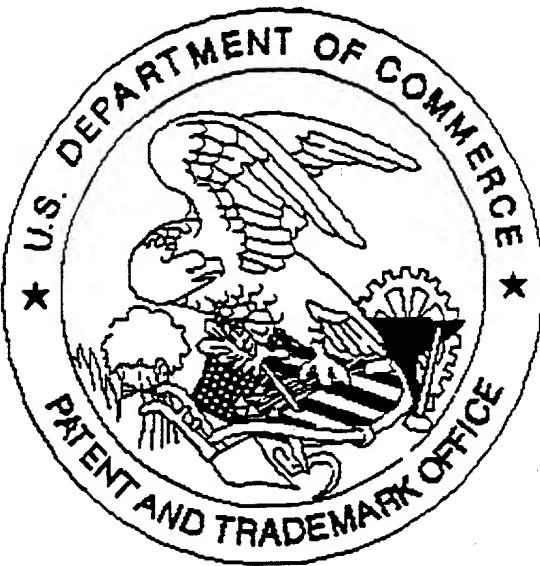
SIGNATURE

NAME: PATRICK WAYNE KLASNO

TITLE: PRESIDENT

KING PLUSH ENTERPRISES, INC.
24412 South Main Street, Suite 103
Carson, California 90717
U.S.A.

United States Patent & Trademark Office
Office of Initial Patent Examination -- Scanning Division



Application deficiencies were found during scanning:

Page(s) _____ of _____ were not present
for scanning. (Document title)

Page(s) _____ of _____ were not present
for scanning. (Document title)

There Are 13 Sheets of Drawings Enclosed.

Scanned copy is best available.